IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 59 OF 2005

DR.VISWANATH R.S. EDO,MAPUSA GOA. ....Appellant

Versus

SHRI POPAT NAIK AND ANR., ...Respondents

Shri U. S. Kolwalkar, Advocate for the appellant.

Coram:- R. M. LODHA, J.

Date:- 19th October, 2005

P.C.

Heard the learned Counsel for the appellant.

2. Though the Appeal Court held that the appellant-plaintiff has been able to establish his ownership and possession over the piece of land surveyed under Survey Nos.25/11 and 25/12, his suit came to be dismissed because no encroachment was found on Survey No.25/11.

3. For reaching the conclusion that no illegal construction is found on Survey No.25/11, the Appeal Court has considered the evidence on record. The consideration of material by the Appeal Court is concluded on facts and does not suffer from any legal infirmity. No substantial question of law arises.

4. The second appeal is dismissed in limine.

R. M. LODHA, J.

ssm.